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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,185	04/20/2001	Ikuo Sakaguchi	NEC-F98/USA	1577
466	7590	04/27/2005		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER CHENCINSKI, SIEGFRIED E	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/838,185	Applicant(s) SAKAGUCHI, IKUO	
	Examiner Siegfried E. Chencinski	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/30/03, 10/20/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 - 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Joao et al. (US Patent 5,878,337, hereafter Joao).

Re. Claim 1, Joao anticipates a card utilization approval method comprising the steps of:

- calling a mobile station of an owner of a card for settlement of a mobile phone system from a card authentication and settlement processing device upon an input of a card information of the card for settlement (Abstract; Col. 3, I. 62 – Col. 3, I. 18; Col. 3, II. 62 – Col. 4, I. 11); and
- performing an authentication of the card and a payment settlement processing of the card in said card authentication and settlement processing device according to a password of the owner of said card inputted from said mobile station called (Abstract; Col. 1, II. 8-16; Col. 3, I. 62 – Col. 4, I. 24; Col. 5, II. 20-25; Col. 5, I. 58 – Col. 6, I. 18. The use of a password during the approval process is inherent since security is a central focus of Joao's teaching.).

Re. Claim 2, Joao anticipates a card utilization approval method further comprising the step of

- performing a mediating of the calling from said card authentication and settlement processing device to the mobile station (Mediating function by central processing computer - Col. 5, I. 61-67; The complete mediating system - Col. 4, I. 4, - Col. 5, I. 57) and
- a conversion of a format of data from said card authentication and settlement processing device into a format corresponding to a display function of said

Art Unit: 3628

mobile station, by a mobile phone mediating server provided between said card authentication and settlement processing device and said mobile phone system (Fig's 4-6; Col. 20, l. 65 – Col. 28, l. 65).

Re. Claim 3, Joao anticipates a card utilization approval method further comprising the step of displaying an information including a purchase, a payment and a settlement on said mobile station in detail (Col. 6, ll. 33-43).

Re. Claim 4, Joao anticipates a card utilization system comprising a payment processing terminal for reading a card; information from a card to be settled and a card authentication and settlement processing device for performing an authentication of a payer and a settlement of payment on the basis of the card information from said payment processing terminal, said card authentication and settlement processing device comprising means for calling a mobile station of an owner of said card in a mobile phone system according to said card information and means for performing an authentication and a confirmation of payment settlement by an input from the called mobile station (Col. 4, ll. 4-61).

Re. Claim 5, Joao anticipates a card utilization system further comprising a mobile phone mediating server for connecting said card authentication and settlement processing device and said mobile phone system mutually and performing a mediation of a calling from said authentication and settlement processing device to a mobile station and a conversion of a format of a data from said card authentication and settlement processing device into a format corresponding to a display function of said mobile station (Col. 4, ll. 4-61).

Re. Claim 6, Joao anticipates a card utilization system wherein said mobile phone mediating server includes means for transferring an information of purchase, payment and settlement from said card authentication and settlement processing device in a format corresponding to the display function of said mobile station (Col. 4, ll. 4-61; Col. 6, ll. 33-43).

Re. Claim 7, Joao anticipates a card authentication and settlement processing device comprising means for calling a mobile station of an owner of a card to be settled in a mobile phone system according to a card information of said card to be settled and

Art Unit: 3628

means for performing an authentication of said card to be settled and a payment settlement by an input from said called mobile station (Settlement – Col. 1, I. 47; Col. 3, I. 62 – Col. 4, I. 3; Col. 4, II. 23-30; Mobile - Col. 4, II. 41-61, I. 62).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Souh, can be reached on (571) 272-6799.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

or faxed to:

(703)872-9306 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.


Application/Control Number: 09/838,185

Page 5

Art Unit: 3628

SEC

April 20, 2005


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SUPERVISORY PATENT EXAMINER
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